IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7708 of 2007()

CRMP.3870/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.393/2007 OF PARIPPALLY POLICE STATION, KOLLAM

.....

: PETITIONER/ACCUSED

SHANRAJ, AGED 24 YEARS, S/O.THYAGARAJAN,
KOIPPURATHU, S.K.BHAVAN, EDAVATTOM,
CHRIRAKKARA VILLAGE.

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7708 of 2007

Dated this the 14th day of December, 2007

ORDER

Application for anticipatory bail. Petitioner faces allegations for offences punishable, inter alia, under Section 376 I.P.C. The alleged victim is a young woman aged about 18 years. Crime has been registered on the basis of a complaint filed by the defacto complainant before the learned Magistrate and referred by the Magistrate to the police under Section 156(3) Cr.P.C. It would appear that admittedly a marriage was solemnised between the petitioner and the victim. Such marriage was solemnised under the provisions of the Special Marriage Act. The spouses are at loggerheads now. Proceedings are pending before the matrimonial court. Declaration of nullity of marriage has been sought by the wife. Long later, she has filed this complaint alleging commission of offences of rape, abduction etc. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned Public Prosecutor after taking instructions submits that while it is true that Crime 393 of 2007 of Parippally Police Station has been registered on the basis of the allegations raised by the defacto complainant, investigation has revealed that it is not necessary to arrest the petitioner or to further proceed against him. The learned Public Prosecutor submits that the petitioner shall not be arrested in this case. In these circumstances I find that the apprehension of the petitioner is without any basis. This application for anticipatory bail is, in these circumstances, dismissed accepting the submissions of the learned Public Prosecutor.

3. If at any later point of time it is found necessary to arrest the petitioner, such arrest shall not be effected without taking prior permission of this Court, it is further directed.

(R.BASANT, JUDGE)

rtr/-